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Attorneys for Defendant
RITE AID CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BEVERAGES & MORE, INC., a
Delaware corporation,

Plaintiff,

vs.

RITE AID CORPORATION, a Delaware
corporation,

Defendant.

Case No. C 05 4659 PVT

**STIPULATION AND ~~PROPOSED~~
ORDER RE CASE MANAGEMENT
SCHEDULE**

WHEREAS, April 4, 2006 is the current deadline for the Parties to exchange initial disclosures and to file a case management conference statement in this matter.

WHEREAS, this matter is set for an initial case management conference on April 11, 2006.

WHEREAS, the Parties have agreed on the terms of a settlement, in principle, and anticipate that they will be able to finalize a written settlement agreement shortly. The Parties wish to avoid unnecessary expenditures of time and resources by the Court or the Parties.

WHEREAS, this is only the second request for an extension of time; the Parties previously requested a one-month extension to facilitate settlement negotiations, which this Court granted. The parties do not anticipate the need for any further extensions.

THEREFORE THE PARTIES HEREBY STIPULATE TO THE FOLLOWING MODIFICATION TO THE EXISTING SCHEDULE IN THIS MATTER:

1. The initial case management conference set for April 11, 2006 is hereby vacated.
2. The Parties shall appear for an initial case management conference before Magistrate Judge Patricia V. Turnbull on May 9, 2006 at 2:00 p.m., or such other date subsequent to April 11 as may fit the Court's calendar.
3. The parties shall complete initial disclosures or state objection in a Rule 26(f) Report, file and serve Case Management Statement and file and serve a Rule 26(f) Report no later than seven days prior to the reschedule initial case management conference.

The parties respectfully request that the Court approve and sign this Order.

Dated: March 30, 2006

Respectfully,

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

By: 

Jeffrey E. Faucette
Attorneys for Plaintiff BEVERAGES &
MORE, INC.

1 Dated: March 30, 2006

Respectfully,

2 MORGAN, LEWIS & BOCKIUS LLP

3
4 By: 

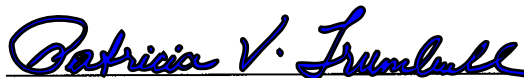
Carla B. Oakley

Attorneys for Defendant RITE AID
CORPORATION

5
6
7 ORDER

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9 IT IS SO ORDERED.

10 Dated: 3/30/06, 2006



Honorable Patricia V. Turnbull

United States Magistrate Judge